

## BOARD OF TRUSTEES

Carmen. Hulu Lindsey, *Chairperson*Leina'ala Ahu Isa, *Vice Chairperson*

Dan Ahuna, Trustee Kaua'i &amp; Ni'ihau

Kalei Akaka, Trustee O'ahu

Keli'i Akina, Trustee At-Large

Luana Alapa, Trustee Moloka'i &amp; Lāna'i

Brendon Kalei'aina Lee, Trustee At-Large

Keola Lindsey, Trustee Hawai'i Island

John Waihe'e IV, Trustee At-Large



## STATE OF HAWAII OFFICE OF HAWAIIAN AFFAIRS

### MEETING OF THE BOARD OF TRUSTEES

**DATE:** Thursday, November 18, 2021

**TIME:** 10:00 am

**PLACE:** Virtual Meeting

Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR

Listen by phone: (213) 338-8477, Webinar ID: 867 4868 2340

**Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation Related to the COVID-19 Delta Response, dated October 1, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location. The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listen by phone: (213) 338-8477, Webinar ID: 867 4868 2340**

### AGENDA

**I. Call to Order**

**II. Public Testimony** on Items Listed on the Agenda\* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)

**III. Community Concerns and Celebrations\***(Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)

**IV. New Business**

A. Action Item BOT#21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration (2nd reading)

B. Workshop: OHA Policy Framework

**V. Announcements**

**VI. Adjournment**

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number 594-1772 or by email [rainag@oha.org](mailto:rainag@oha.org) no later than three (3) business days prior to the date of the meeting.

Meeting Materials will be available to the public on Monday, November 15, 2021 and posted to OHA's website at:

[www.oha.org/bot](http://www.oha.org/bot) In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone and Webinar ID provided at the beginning of this agenda.

†Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

\* **Public Testimony on Items Listed on the Agenda must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda.** Hawai'i Revised Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

Testimony can be provided to the OHA Board of Trustees either as: (1) **written testimony** emailed at least 24 hours prior to the scheduled meeting, or (2) live, **oral testimony online** during the virtual meeting.

(1) Persons wishing to provide **written testimony** on items listed on the agenda should submit testimony via **email** to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) at least **24 hours prior** to the scheduled meeting. Any testimony received after this deadline will be late testimony and will be distributed to the Board members after the scheduled meeting. **Due to COVID- 19, please do not fax, mail, or hand-deliver written testimony**

(2) Persons wishing to provide **oral testimony online** during the virtual meeting must first register at:

BOARD OF TRUSTEES

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Leina'ala Ahu Isa, *Vice Chairperson*

Dan Ahuna, Trustee Kaua'i & Ni'ihau

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Keli'i Akina, Trustee At-Large

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Keola Lindsey, Trustee Hawai'i Island

John Waihe'e IV, Trustee At-Large



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**

[https://us06web.zoom.us/webinar/register/WN\\_TzzvfoQxRQW5kliLhKLu8A](https://us06web.zoom.us/webinar/register/WN_TzzvfoQxRQW5kliLhKLu8A)

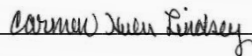
You need to register if you would like to orally testify. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting. The registration page will close during the Public Testimony or Community Concerns agenda item. Oral testimony by telephone/landline **will not** be accepted at this time.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

Oral testimony online will be limited to five (5) minutes. Once your oral testimony is completed, you will be asked to disconnect from the meeting, unless you are also signed up for oral testimony during Community Concerns and Celebrations. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Please visit OHA's website for more detailed information on how to submit Public Testimony OR Community Concerns at: <https://www.oha.org/how-to-submit-testimony-for-oha-bot-meetings/>



Trustee Carmen Hulu Lindsey  
Chairperson, Board of Trustees

11/12/2021

Date

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
November 18, 2021  
10:00 A.M.

**V. New Business**

**A. Action Item BOT#21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration (2nd reading)**




**OFFICE OF HAWAIIAN AFFAIRS  
ACTION ITEM**


**Board of Trustees  
November 4, 2021**


**Action Item No.: BOT #21-16**

**Action Item Issue: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration**

**Prepared by:**  **Oct 29, 2021**  
Raina P.B. Gushiken  
Ka Paepae Puka, Senior Legal Counsel

**Reviewed by:**  **Oct 29, 2021**  
Kai Mana Peres-David  
Ka Hoakake'a, Human Resources Director

**Reviewed by:**  **Oct 29, 2021**  
Sylvia M. Hussey, Ed.D.  
Ka Pouhana, Chief Executive Officer

**Reviewed by:**  **Oct 29, 2021**  
Carmen Hulu Lindsey  
Ke Kauhuhu o ke Kaupoku  
Chairperson, Board of Trustees

## **Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration**

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### **I. Proposed Action**

To Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration.

### **II. Issue**

Whether to approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration.

### **III. Background**

On August 5, 2021, Governor Ige issued his Emergency Proclamation Related to the COVID-19 Response, that among other provisions, requires all State Executive Branch and county employees to attest to vaccination status to their respective department, office, or agency and those who were not vaccinated would be subject to regular COVID-19 testing.<sup>1</sup>

The State Legislature and State Judiciary implemented their own vaccination and testing policies for their members and employees.<sup>2</sup>

On August 26, 2021, leaders from various sectors of the Native Hawaiian community, including OHA, held a press conference to encourage community members to do their part to stop the surge of COVID-19. With Native Hawaiians representing nearly 32% of all COVID-19 cases statewide (while only constituting 21% of the population), more needs to be done to empower and educate Native Hawaiians on what choices are best for their community, their ‘ohana and loved ones.

Native Hawaiian and Pacific Islander (NHPI) populations have experienced disproportionate impacts of COVID-19, and the impacts to Native Hawaiians particularly have been alarming. During this pandemic, OHA participated in and supported the work of the NHPI COVID-19 3R--Response, Recovery & Resilience Team, <https://www.nhpicovidhawaii.net/> and its advocacy for data disaggregation, testing sites, practices that mitigate transmission, vaccination and recovery. The coalition communicates and messages through a broad spectrum of mechanisms--radio, television, print and social media, statewide resourcing, multiple pacific languages, including ‘olelo Hawai‘i, as well as the use of community (e.g., faith based leaders, Native Hawaiian physicians), to advance its messages. A prominent message is that of encouraging vaccination among NHPI populations. OHA will continue to participate in and support the work of the NHPI COVID-19 3R Team, including the messages encouraging vaccination.

For the September Ka Wai Ola, a special insert “Protecting Our Lāhui From COVID-19” was included that shared a Mythbusters article addressing 10 fears and rumors circulating in our

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<sup>1</sup> [2108026-ATG\\_Emergency-Proc-for-COVID-19-Response-distribution-signed.pdf \(hawaii.gov\)](#). Pursuant to Hawai‘i Revised Statutes (HRS) Chapter 127A, the Governor has executive authority to declare a state of emergency and issue emergency proclamations and orders that have the full force and effect of law. See HRS §§ 127A-11, -12, and 25.

<sup>2</sup> For the State House of Representatives, see House of Representatives COVID-19 Vaccination Policy at [a825ecf6-7945-4262-864d-4771ed127a31.pdf \(worldnow.com\)](#); for the State Senate see [State Senate to mandate COVID-19 vaccines - Honolulu, Hawaii news, sports & weather - KITV Channel 4](#); for the State Judiciary, see [Judiciary | Judiciary Announces COVID-19 Vaccination and Testing Program \(state.hi.us\)](#)

## **Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration**

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community preventing people from getting vaccinated. Kānaka Maoli leaders have increasingly expressed their fears for the safety of our lāhui. To amplify these community voices, OHA initiated the “I’m Vaccinated” campaign and invited ‘Ōiwi leaders from across the pae ‘āina and from every walk of life to participate. No one is being paid to do this. These alaka‘i have dedicated their lives to serving and uplifting our lāhui and volunteered in this dark hour to share their reasons for getting vaccinated out of aloha for our people and concern for our collective future. Their stories and more information on protecting our lāhui from COVID19 can be found on KaWaiOla.news.

On September 8, 2021, Governor Ige issued Executive Order No. 21-07 that requires all contractors entering, working, or providing any service in a State facility to attest as to each employee whether they are fully vaccinated, and if not fully vaccinated, that they obtained a negative COVID-19 test result prior to entering or remaining in any State facility.<sup>3</sup> The Governor’s Executive Order further requires that all visitors to a State facility provide verification of being fully vaccinated, or if not fully vaccinated, to produce a negative COVID-19 test result prior to being allowed to enter or remain in a State facility.

On September 9, 2021, President Biden issued Executive Orders that required all federal Executive Branch employees<sup>4</sup> and federal contractors<sup>5</sup> to be vaccinated. During his press briefing on September 9, 2021, President Biden announced that the U.S. Department of Labor is developing an emergency rule to require all employers with 100 or more employees to ensure their workforces are fully vaccinated or provide proof of a negative COVID-19 test result at least once a week.<sup>6</sup>

Pursuant to Executive Order No. 21-07, effective September 13, 2021, the Office of Hawaiian Affairs (OHA) required that all contractors entering, working, or providing services in an OHA worksite to submit an attestation of their vaccination status and for those who are unvaccinated or partially vaccinated, a negative test result of a COVID-19 test, and that they wear a mask at all times while in an OHA worksite, and physically distance themselves from others. OHA Contract Administrators were required to notify contractors and vendors of these requirements and the process in which they can submit their written attestations before coming to OHA to perform work or carry out services.

On October 1, 2021, the Governor issued an Emergency Proclamation Related to the State’s COVID-19 Delta Response, effective through November 30, 2021 (Emergency Proclamation).<sup>7</sup> Among other things, the Emergency Proclamation extends the state-wide mask mandate indoors in public settings; allows State boards and commissions to continue meeting virtually, using interactive conference technology and providing testifiers the same option to testify audio visually; and setting forth Rules Relating to Access to State Property, as set forth in Exhibit E thereto, superseding Executive Order No. 21-07.

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<sup>3</sup> [2109041-ATG\\_Executive-Order-No.-21-07-distribution-signed.pdf \(hawaii.gov\)](#). In Executive Order No. 21-07, “facility” is defined as any facility, building, or other property controlled and used by the State to conduct government business, or any other property that is the site of a government project.

<sup>4</sup> [Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees | The White House](#)

<sup>5</sup> [Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors | The White House](#)

<sup>6</sup> [Remarks by President Biden on Fighting the COVID-19 Pandemic | The White House](#)

<sup>7</sup> [2109152-ATG\\_Emergency-Proclamation-Related-to-the-States-COVID-19-Delta-Response-distribution-signed.pdf \(hawaii.gov\)](#)

## **Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration**

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### **IV. Discussion**

OHA's objective has and continues to be, maintaining safe, healthy, and productive work environments for our employees and beneficiaries while, to the extent possible, limiting disruptions in our services to the Lāhui.

OHA supports COVID-19 vaccinations and believes having a fully vaccinated workforce will help to maintain safe, healthy, and productive work environments for our employees, beneficiaries, and community partners with whom we interact. OHA recognizes the important role vaccinations play in preventing severe illness and death in those who contract COVID-19.<sup>8</sup>

COVID-19 continues to pose a serious threat to the health and safety of our community. To ensure safe, healthy and productive work environments for employees, beneficiaries, and community partners with whom we interact and to align with county, state, and federal vaccination and testing requirements, Administration recommends that the OHA Board of Trustees approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in **Attachment A**, requiring all employees and visitors to enter an OHA worksite to provide either verification of full vaccination or proof of a current and valid negative COVID-19 test result and authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change without further board approval.

Any documentation related to vaccination status or test results obtained for purposes of this policy shall not be disclosed to individuals other than as necessary to ensure compliance with this policy or as required by law or court order.

The Policy will be effective upon Board approval. Administration will the requirements of the policy to employees and an appropriate implementation date.

When OHA re-opens to the public, Administration will communicate the requirements of the policy through available modes of external communication.

The policy will be updated by Administration on a regular basis as medical guidance and regulatory requirements change.

### **V. Recommended Action**

#### **MOTION:**

Approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in Attachment A and authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change without further board approval.

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<sup>8</sup> [Interim Public Health Recommendations for Fully Vaccinated People | CDC](#)

**Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration**

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**VI. Alternative Actions**

A. Decline to approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in Attachment A and decline to authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change.

B. Take no action.

**VII. Funding.** None needed at this time.

**VIII. Timeframe.** Effective upon approval of the Board with Administration setting an appropriate implementation date for operations.

**IX. Attachment:**

A. COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs



# ATTACHMENT A

## **COVID-19 VACCINATION AND TESTING POLICY**

### **FOR THE OFFICE OF HAWAIIAN AFFAIRS**

**OHA will follow applicable industry and regulatory guidelines related to COVID-19 from, including but not limited to, the Centers for Disease Control and Prevention (CDC), the Occupational Safety & Health Administration (OSHA), the Equal Employment Opportunity Commission (EEOC), and the Hawaii Department of Health (HDOH). This COVID-19 Vaccination and Testing Policy will be updated on a regular basis as regulatory guidelines change.**

#### **I. Purpose**

The Office of Hawaiian Affairs' (OHA) objective has and continues to be, maintaining safe, healthy, and productive work environments for staff and beneficiaries while, to the extent possible, limiting disruptions in our services to the Lāhui.

OHA supports COVID-19 vaccinations and believes having a fully vaccinated workforce will help to maintain safe, healthy, and productive work environments for our staff, beneficiaries, and community partners with whom we interact. OHA recognizes the important role vaccinations play in preventing severe illness and death in those who contract COVID-19.<sup>1</sup>

On August 5, 2021, Governor Ige issued his Emergency Proclamation Related to the COVID-19 Response, that among other provisions, requires all State Executive Branch and county employees to attest to vaccination status to their respective department, office, or agency and those who were not vaccinated would be subject to regular COVID-19 testing.<sup>2</sup>

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<sup>3</sup> For the State House of Representatives, see House of Representatives COVID-19 Vaccination Policy at [a825ecf6-7945-4262-864d-4771ed127a31.pdf \(worldnow.com\)](#); for the State Senate see [State Senate to mandate COVID-19 vaccines - Honolulu, Hawaii news, sports & weather - KITV Channel 4](#); for the State Judiciary, see [Judiciary | Judiciary Announces COVID-19 Vaccination and Testing Program \(state.hi.us\)](#)

statewide (while only constituting 21% of the population), more needs to be done to empower and educate Native Hawaiians on what choices are best for their community, their 'ohana and loved ones.

Native Hawaiian and Pacific Islander (NHPI) populations have experienced disproportionate impacts of COVID-19, and the impacts to Native Hawaiians particularly have been alarming. During this pandemic, OHA participated in and supported the work of the NHPI COVID-19 3R---Response, Recovery & Resilience Team, <https://www.nhpicovidhawaii.net/> and its advocacy for data disaggregation, testing sites, practices that mitigate transmission, vaccination, and recovery. The coalition communicates and messages through a broad spectrum of mechanisms---radio, television, print and social media, statewide resourcing, multiple pacific languages, including 'olelo Hawai'i, as well as the use of community (e.g., faith based leaders, Native Hawaiian physicians), to advance its messages. A prominent message is that of encouraging vaccination among NHPI populations. OHA will continue to participate in and support the work of the NHPI COVID-19 3R Team, including the messages encouraging vaccination.

For the September Ka Wai Ola, a special insert "Protecting Our Lāhui From COVID-19" was included that shared a Mythbusters article addressing 10 fears and rumors circulating in our community preventing people from getting vaccinated. Kānaka Maoli leaders have increasingly expressed their fears for the safety of our lāhui. To amplify these community voices, OHA initiated the "I'm Vaccinated" campaign and invited 'Ōiwi leaders from across the pae 'āina and from every walk of life to participate. No one is being paid to do this. These alaka'i have dedicated their lives to serving and uplifting our lāhui and volunteered in this dark hour to share their reasons for getting vaccinated out of aloha for our people and concern for our collective future. Their stories and more information on protecting our lāhui from COVID19 can be found on KaWaiOla.news.

On September 8, 2021, Governor Ige issued Executive Order No. 21-07 (Executive Order) that requires all contractors entering, working, or providing any service in a State facility to attest as to each employee whether they are fully vaccinated, and if not fully vaccinated, that they obtained a negative COVID-19 test result prior to entering or remaining in any State facility.<sup>4</sup> The Executive Order further requires that all visitors to a State facility provide verification of being fully vaccinated, or if not fully vaccinated, to produce a negative COVID-19 test result prior to being allowed to enter or remain in a State facility.

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<sup>5</sup> [Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees | The White House](#)

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briefing on September 9, 2021, President Biden announced that the U.S. Department of Labor is developing an emergency rule to require all employers with 100 or more employees to ensure their workforces are fully vaccinated or provide proof of a negative COVID-19 test result at least once a week.<sup>7</sup>

On October 1, 2021, the Governor issued an Emergency Proclamation Related to the State's COVID-19 Delta Response, effective through November 30, 2021 (Emergency Proclamation).<sup>8</sup> Among other things, the Emergency Proclamation extends the state-wide mask mandate indoors in public settings; allows State boards and commissions to continue meeting virtually, using interactive conference technology, and providing testifiers the same option to testify audio visually; and setting forth Rules Relating to Access to State Property, as set forth in Exhibit E thereto, superseding Executive Order No. 21-07.

For all these reasons, OHA is requiring that all employees and visitors provide either verification of full vaccination or proof of a current and valid negative COVID-19 test result, subject to the provisions set forth in this policy.

## II. Definitions

- A. Fully Vaccinated:** Individuals are considered fully vaccinated for COVID-19 if it has been two weeks after they have received the second dose in a two-dose vaccine series (e.g., Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose vaccine (e.g., Johnson & Johnson/Janssen).<sup>9</sup> This guidance can also be applied to COVID-19 vaccines that have been authorized for emergency use listing ("EUL") by the World Health Organization (e.g., AstraZeneca/Oxford, Serum Institute of India, Sinopharm, and Sinovac as of July 2, 2021).
- B. Employee:** For the purposes of this policy, Employee means all full time, part time, compensated or uncompensated individuals classified as executives, management, staff, temporary hires, and casual hires, employed by the OHA. It also includes staff and members of the Board of Trustees of the OHA and volunteers who work with the OHA.
- C. Visitor:** For purposes of this policy, Visitor means any person entering an OHA Worksite who is not a state employee. The term "visitor" includes volunteers (including interns on academic programs), vendors, contractors or employees of a vendor or contractor, but shall not include: persons under the age of twelve (12) or individuals making deliveries to an OHA physical worksite and who leave within ten (10) minutes of entry.

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<sup>7</sup> [Remarks by President Biden on Fighting the COVID-19 Pandemic | The White House](#)

<sup>8</sup> [2109152-ATG Emergency-Proclamation-Related-to-the-States-COVID-19-Delta-Response-distribution-signed.pdf \(hawaii.gov\)](#)

<sup>9</sup> See [When You've Been Fully Vaccinated | CDC](#)

**D. COVID-19 Test:** A COVID-19 test is (1) any U.S. Food and Drug Administration approved or authorized molecular or antigen screening or diagnostic test for SARS CoV-2, under conditions where the taking of all samples are administered, observed, or proctored by a lab, testing site, healthcare provider, trusted testing partner of the State of Hawaii Safe Travels Program or any authorized agent of these, with verification of the identity of the test taker; or (2) any COVID-19 test results that are submitted and accepted under the State of Hawaii Safe Travels Program.

- i. The COVID-19 test must have been taken not more than 72-hours prior to entry at an OHA Worksite.
- ii. Over-the-counter or “at home” types of tests are not acceptable if they are not observed and proctored at a testing site.

**E. OHA Worksite:** For purposes of this policy, an OHA worksite is any physical location or destination where an employee will be conducting official OHA business and may be in contact with State employees or members of the public, including but not limited to OHA’s business offices and worksites located at: (1) Na Lama Kukui; (2) Kaka’ako Makai; (3) Kukaniloko; (4) Pahua; (5) Waialua Courthouse; (6) Wahiawa; (6) Kona Office; (7) Hilo Office; (8) Kaua’i Office; (9) Ho’omana; (10) Kekaha; (11) Lana’i Office; (12) Maui Office; (13) Palaeua; (14) Moloka’i Office; (15) Washington D.C. Bureau; (16) 501 Sumner Street; and (17) 500 N. Nimitz Highway.

- i. For OHA property that is leased or sub-leased to a tenant, the tenant is responsible to comply with all applicable industry and regulatory laws and guidelines for the leased space.
- ii. For OHA’s commercial properties, third party property managers maintain and manage the common areas in compliance with all applicable industry and regulatory laws and guidelines.

### **III. Policy and Program**

#### **A. Employees**

All Employees must provide either verification of being Fully Vaccinated **OR** proof of a current and valid negative COVID-19 test result prior to entering an OHA Worksite in accordance with Section III.B, Verification of Vaccination & Submission or Section III.C, Testing Requirement, as applicable.

Employees may take up to two hours of paid time off for each vaccination dose, as operations permit. Employees must coordinate with and receive authorization from their supervisor if taking leave to get vaccinated and may be required to provide proof of registration.

Any Employee who has not provided verification of being Fully Vaccinated for COVID-19 may enter an OHA Worksite provided they provide proof of a current and valid negative COVID-19 test result prior to arriving at an OHA Worksite in accordance with Section III.C, Testing Requirement.

When OHA recalls its workforce back to OHA Worksites, Employees who are not on an approved accommodation for continued telework and who do not provide verification of being Fully Vaccinated for COVID-19, must provide proof of a current and valid negative COVID-19 test result once a week in accordance with Section III.C, Testing Requirement.

Employees who are less than fully vaccinated and who do not comply with the Testing Requirement are prohibited from entering an OHA Worksite.

An Employee who is required or directed to report to an OHA Worksite, but who is less than Fully Vaccinated and has not been tested, must notify their supervisor that they are not able to report as required or directed. The Employee may be subject to appropriate corrective action including progressive discipline, as applicable.

An Employee who is required or directed to report to a non-OHA Worksite that requires either vaccination and/or testing, but who is less than fully vaccinated and/or refuses to be tested, must notify their supervisor that they are not able to report as required or directed. The Employee may be subject to appropriate corrective action including progressive discipline, as applicable.

## **B. Verification of Vaccination & Submission**

Employees who have opted to get vaccinated must provide verification of their current vaccination status to OHA Human Resources (“HR”) at [hr@oha.org](mailto:hr@oha.org) prior to being allowed to enter an OHA Worksite. Employees may:

- email a photograph or digital copy of a state-approved vaccination card or other official documentation evidencing their vaccination status; or
- email a screenshot or digital copy of their vaccination status using various publicly available health status applications provided by the State of Hawai’i Smart Health Card, CommonPass applications, CLEAR Health Pass, Azova, IBM Digital Health Pass, and other similar products available to the public; or
- upload an image of their official state COVID-19 vaccination record to the LumiSight OHA application ([LumiSight Workplace](#)).

### **C. Testing Requirement for Less Than Fully Vaccinated Employees**

An Employee who has opted to get tested or who is less than Fully Vaccinated must, on a weekly basis, provide proof of a current and valid negative COVID-19 test result to HR prior to being allowed to enter an OHA Worksite. The negative COVID-19 test must have been taken not more than 72 hours prior to the employee's entry at an OHA Worksite on the first day of work for the week.

Employees may take up to two hours of paid time off to get tested for COVID-19, as operations permit. Employees must coordinate with and receive authorization from their supervisor if taking leave to get tested and may be required to provide proof of registration.

Employees not tested at a free testing site shall be responsible for any testing costs. The location of free testing sites can be found on the COVID- 19 State of Hawai'i Portal ([Testing, Isolation & Quarantine - Hawai'i DOH: Info & Resources for Managing COVID-19 \(hawaiiicovid19.com\)](https://hawaiiicovid19.com)).

Employees may:

- email a photograph or digital copy of official documentation evidencing their negative COVID-19 test result to HR at [hr@oha.org](mailto:hr@oha.org); or
- upload an image of official documentation evidencing their negative COVID-19 test result to their LumiSight OHA account.

### **D. Visitors**

All Visitors entering an OHA worksite must provide proof of being Fully Vaccinated for COVID-19 **OR** proof of a current and valid negative COVID-19 test result to an OHA point of contact upon entry at an OHA Worksite. The negative COVID-19 test must have been taken not more than 72 hours prior to entry at an OHA Worksite.

For proof of vaccination status, a Visitor may:

- show identification and the hard-copy, photograph, or digital copy of a state-approved vaccination card; or
- show identification and their vaccination status using various publicly available health status applications provided by the State of Hawai'i Smart Health Card, CommonPass applications, CLEAR Health Pass, Azova, IBM Digital Health Pass, and other similar products available to the public; or
- upload an image of their official state COVID-19 vaccination record through the LumiSight OHA Application ([LumiSight Workplace](#)).

For proof of testing status, a Visitor may:

- show identification and the hard-copy, photograph, or digital copy of official documentation evidencing their negative COVID-19 test result; or
- upload an image of official documentation evidencing their negative COVID-19 test result to the LumiSight OHA application.

Any Visitor who refuses to show identification and verification of being Fully Vaccinated or proof of a valid and current negative COVID-19 test result will be prohibited from entering an OHA Worksite and asked to immediately leave the premises.

#### **E. Rejection of Proof of Vaccination or Testing Status**

Proof of vaccination or testing status may be rejected if: (1) the information on the records provided are not acceptable; (2) the records provided have insufficient/missing information; (3) the information on the records provided cannot be verified; or (4) if the image is blurry or the resolution is too low to be readable.

#### **F. Privacy**

Consistent with law, any documentation related to vaccination status or test results obtained for purposes of this policy shall not be disclosed to individuals other than as necessary to ensure compliance with this policy, or as required by law or court order.

Please direct any questions regarding this policy to the Human Resources Department.

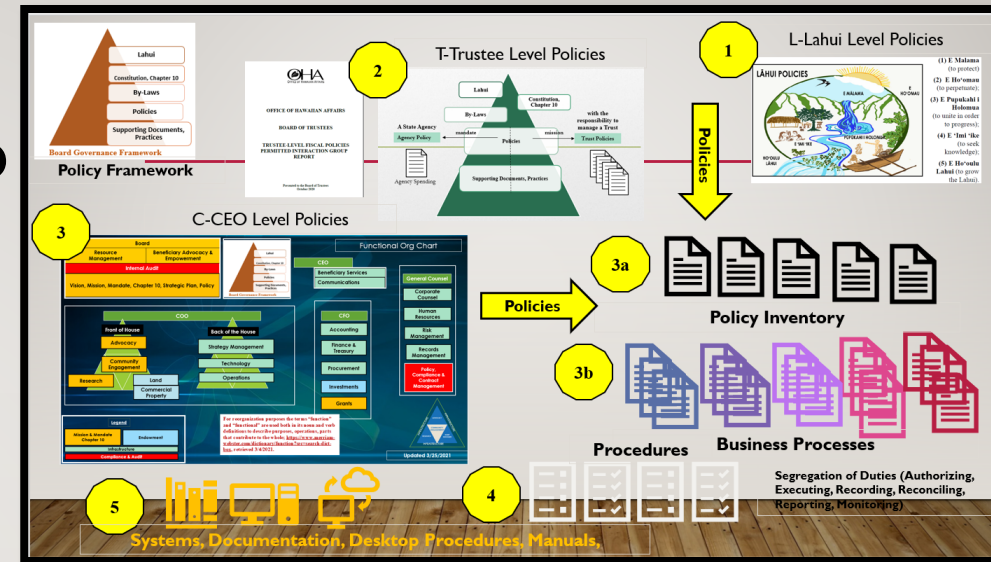


Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
November 18, 2021  
10:00 A.M.

**V. New Business**

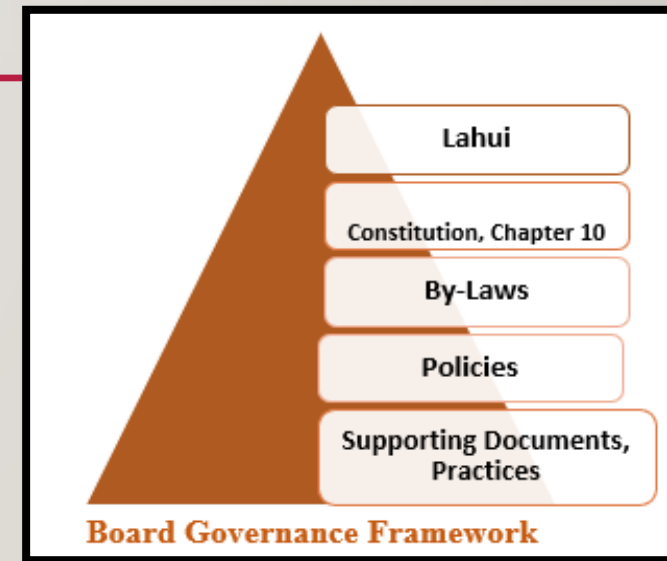
**B. Workshop: OHA Policy Framework**

# BOARD OF TRUSTEES POLICY FRAMEWORK WORKSHOP



## WITHIN BOARD GOVERNANCE FRAMEWORK

THURSDAY, NOVEMBER 18, 2021



# WORKING DEFINITION OF GOVERNANCE

For purposes of this work, a working definition of “governance” is provided and continues to frame implementation of the governance elements.

Establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization. It includes the mechanisms required to balance the powers of the members (with the associated accountability), and their primary duty of enhancing the prosperity and viability of the organization.

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# WORKING POLICY DEFINITIONS

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**Policy:** prudence or wisdom in the management of affairs; management or procedure based primarily on material interest; a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions; a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body.

**L-Lāhui Level Policy:** L-Lahui level policies articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding ‘āina, water, wahi pana and iwi kupuna, strengthen ‘ohana and kaiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts.

**T-Trustees Level Policy:** T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA’s Trustee role as a result of the Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of ethics).

**C-Level Policy:** C-CEO level policies guide and direct operations such as compensation, recruitment, procurement, contracting, data retention, asset protection, risk management



# Board Governance Framework (Approved, April 2019)

1

2

Lahui

Constitution, Chapter 10

3

By-Laws

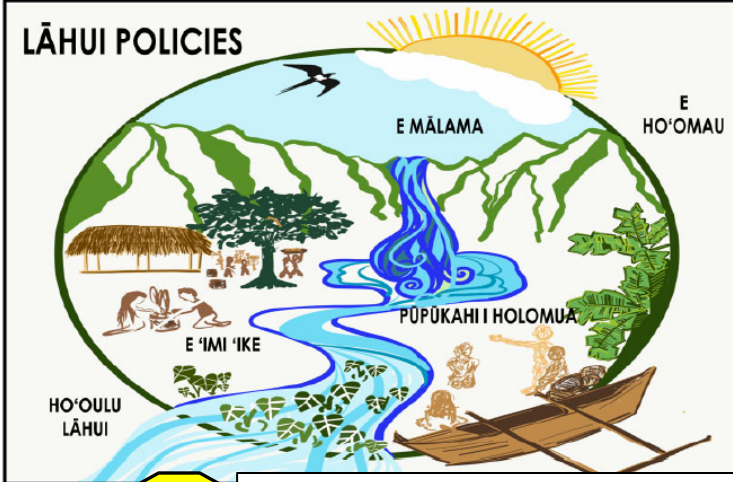
Policies

4

Supporting Documents,  
Practices

Board Governance Framework

## LĀHUI POLICIES



- (1) E Mālama  
(to protect)
- (2) E Ho'omau  
(to perpetuate);
- (3) E Pūpukahi i  
Holomua  
(to unite in order  
to progress);
- (4) E 'Imi 'ike  
(to seek  
knowledge);
- (5) E Ho'oulu  
Lahui (to grow  
the Lahui).

2

L-Level Lahui Policies  
(Approved, May 2019)

We  
are  
here

4

Policy Framework

By-Laws

(Approved, March 2020)

3

| Element      | Function   |
|--------------|--|
| Tree         | Provides structure to hang or place things on.                           |
| Tree Stand   | Provides a base so the tree stands tall, sturdy and doesn't topple over. |
| Instructions | Articulates purpose, placement, function and form                        |

# POLICY FRAMEWORK



Policy of Policies



Board Governance Framework



# POLICY

## OF POLICIES (DRAFT INSTRUCTIONS)

### I. POLICY AND GENERAL STATEMENT

It is the policy of the Office of Hawaiian Affairs (OHA) to implement a policy framework as a mechanism to operationalize the Board Governance Framework consisting of the following five elements: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

Elements of the OHA Policy Framework, based on the approved Board Governance Framework, including the following components: 1) L-Lāhui Level policies; 2) T-Trustee Level policies; 3) C-CEO Level policies; 4) Inventory of Policies; 5) Business Processes (listed within each policy); 6) Standard Operating Procedures for each business process; and 7) Systems, documentation, desktop procedures and manuals.

The purpose of this policy is to ensure the policy development, implementation, monitoring and evaluation of the OHA's policies: 1) Align to the Board Governance Framework in support of the OHA's mission; 2) Cascade to consistent accountability levels (e.g., Board, Administration); 3) Are approved by the appropriate authority function, including retained or delegated authority; 4) Achieve accountability by identifying the responsible parties; 5) Document the policies and related processes and procedures in how the OHA conducts business; 6) Provide internal and external stakeholders with clear, concise information; 7) Leverage technology to access related processes, standard operating procedures, forms and systems; 8) Maintain central and accessible locations for internal and external stakeholder access; and 9) Detail overall policy administration practices for the OHA.

| Element | Function  |
|---------|---|
| Lights  | Illuminates visual spaces on and among the boughs and the nearby ornaments. |

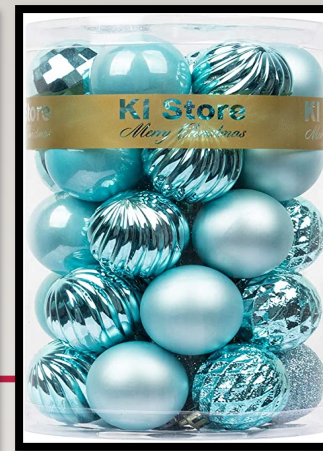


**T-Trustees Level Policy:** T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA’s Trustee role as a result of the Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of ethics).





| Element   | Function   |
|-----------|--|
| Ornaments | Individually represents point-in-time concepts, colors, experiences; and collectively represents themes, concepts and collective experience. |
| Storage   | Organize ornaments, keep track of them   |



**C-Level Policy:** C-CEO level policies guide and direct operations such as compensation, recruitment, procurement, contracting, data retention, asset protection, risk management

**Recruitment**

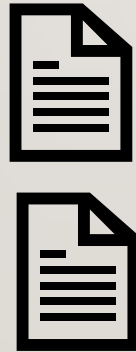
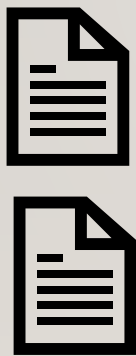
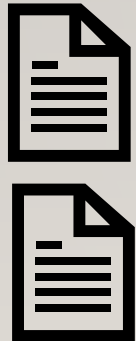
**Contracting**

**Compensation**

**Procurement**

**Data**

**Accounting**



**Policies & Policy Inventory**



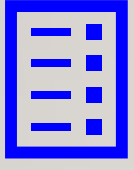


| Element          | Function  |
|------------------|---|
| Garland, Ribbons | Visually creates repeating patterns horizontally or vertically unifies the decorated tree |
| Tinsel           | Punctuations of color, texture and sparkle that call attention to the tree                |



### Business Processes

A series of actions that produce something or that lead to a particular result.



### Procedures

A guideline or series of interrelated steps in a process; taken to help implement the policy. [User, Operator]

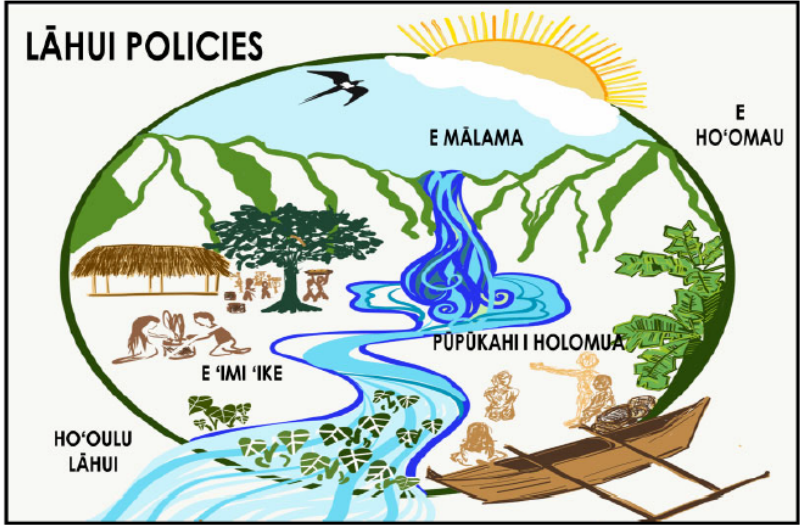


**Manuals, Documentation, Systems**



| Element     | Function   |
|-------------|--|
| Tree Topper | Represents the 'north star', 'guardian', 'guide' |

**L-Lāhui Level Policy:** L-Lahui level policies articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding *‘āina*, water, *wahi pana* and *iwi kupuna*, strengthen *‘ohana* and *kaiāulu*, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts.



- (1) **E Malama**  
(to protect)
- (2) **E Ho‘omau**  
(to perpetuate);
- (3) **E Pupukahi i Holomua**  
(to unite in order to progress);
- (4) **E ‘Imi ‘ike**  
(to seek knowledge);
- (5) **E Ho‘oulu Lahui** (to grow the Lahui).

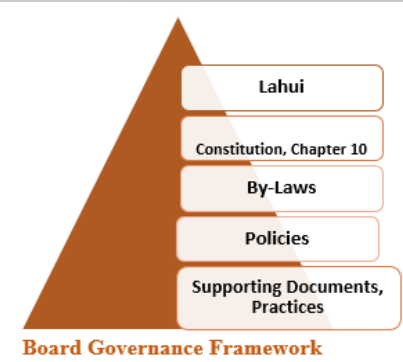


| Element          | Function   | Policy Framework, Elements   |
|------------------|--|--|
|                  |  |  |
| Tree             | Provides structure to hang or place things on.   | Policy Framework itself  |
| Tree Stand       | Provides a base so the tree stands tall, sturdy and doesn't topple over.   | Board Governance Framework   |
| Instructions     | Articulates purpose, placement, function and form  | Policy of Policies   |
| Lights           | Illuminates visual spaces on and among the boughs and the nearby ornaments.  | T-Trustee Level Policies<br>Inventory of Policies                  |
| Ornaments        | Individually represents point-in-time concepts, colors, experiences; and collectively represents themes, concepts and collective experience. | C-CEO Level Policies<br>Inventory of Policies                      |
| Garland, Ribbons | Visually creates repeating patterns horizontally or vertically unifies the decorated tree  | Business Processes, Procedures and Manuals, Documentation, Systems |
| Tinsel           | Punctuations of color, texture and sparkle that call attention to the tree   |  |
| Tree Topper      | Represents the 'north star', 'guardian', 'guide'   |  |

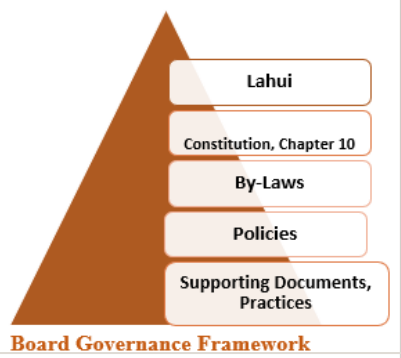




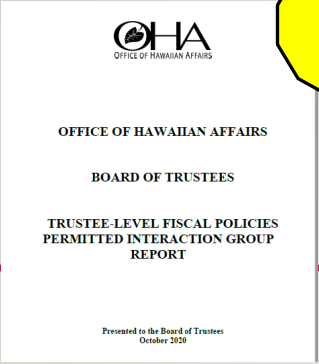
# Action Item



1. OHA Policy Framework with the following elements: 1) L-Lāhui Level policies; 2) T-Trustee Level policies; 3) C-CEO Level policies; 4) Inventory of Policies; 5) Business Processes (listed within each policy); 6) Standard Operating Procedures for each business process; and 7) Systems, documentation, desktop procedures, manuals.
2. Policy of Policies (newly drafted)

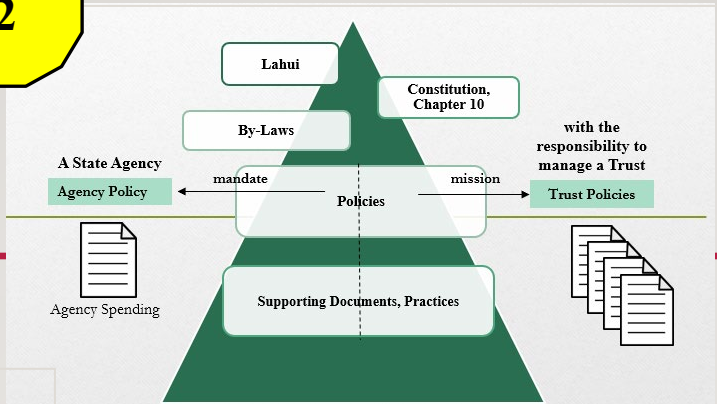


## Policy Framework



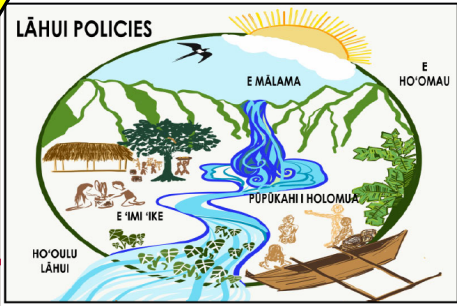
2

## T-Trustee Level Policies



1

## L-Lahui Level Policies

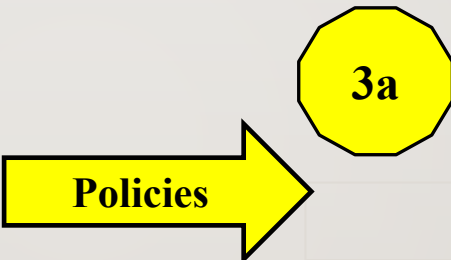
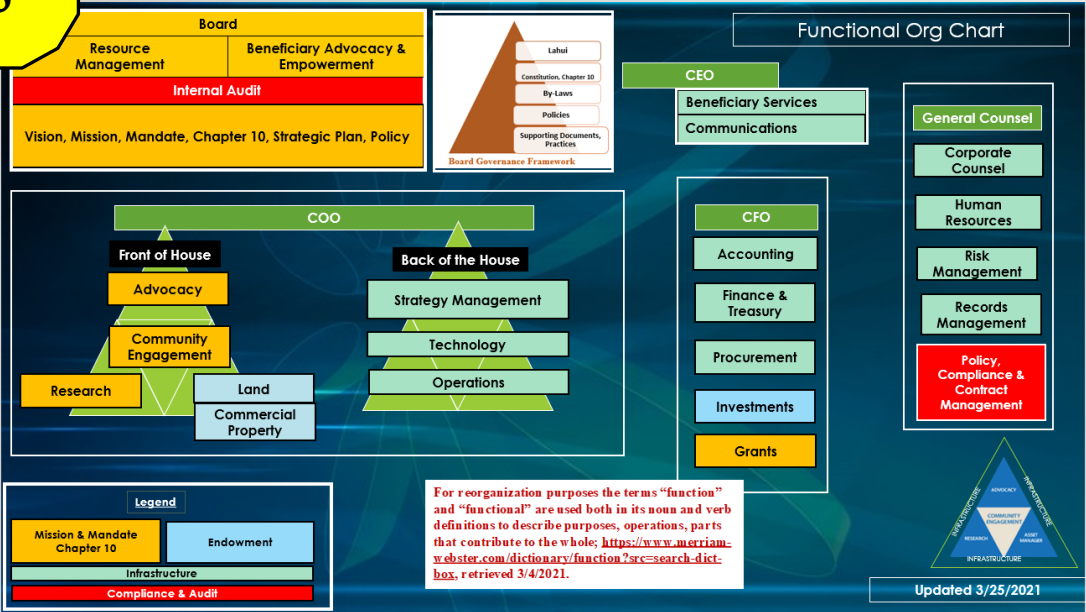


- (1) E Mālama (to protect)
- (2) E Ho'omau (to perpetuate);
- (3) E Pupukahi i Holomua (to unite in order to progress);
- (4) E 'Imi 'ike (to seek knowledge);
- (5) E Ho'oulu Lāhui (to grow the Lahui).



3

## C-CEO Level Policies



3a



3b



5



4





| Element      | Function   |
|--------------|--|
| Tree         | Provides structure to hang or place things on.                           |
| Tree Stand   | Provides a base so the tree stands tall, sturdy and doesn't topple over. |
| Instructions | Articulates purpose, placement, function and form                        |

# POLICY FRAMEWORK



Policy of Policies



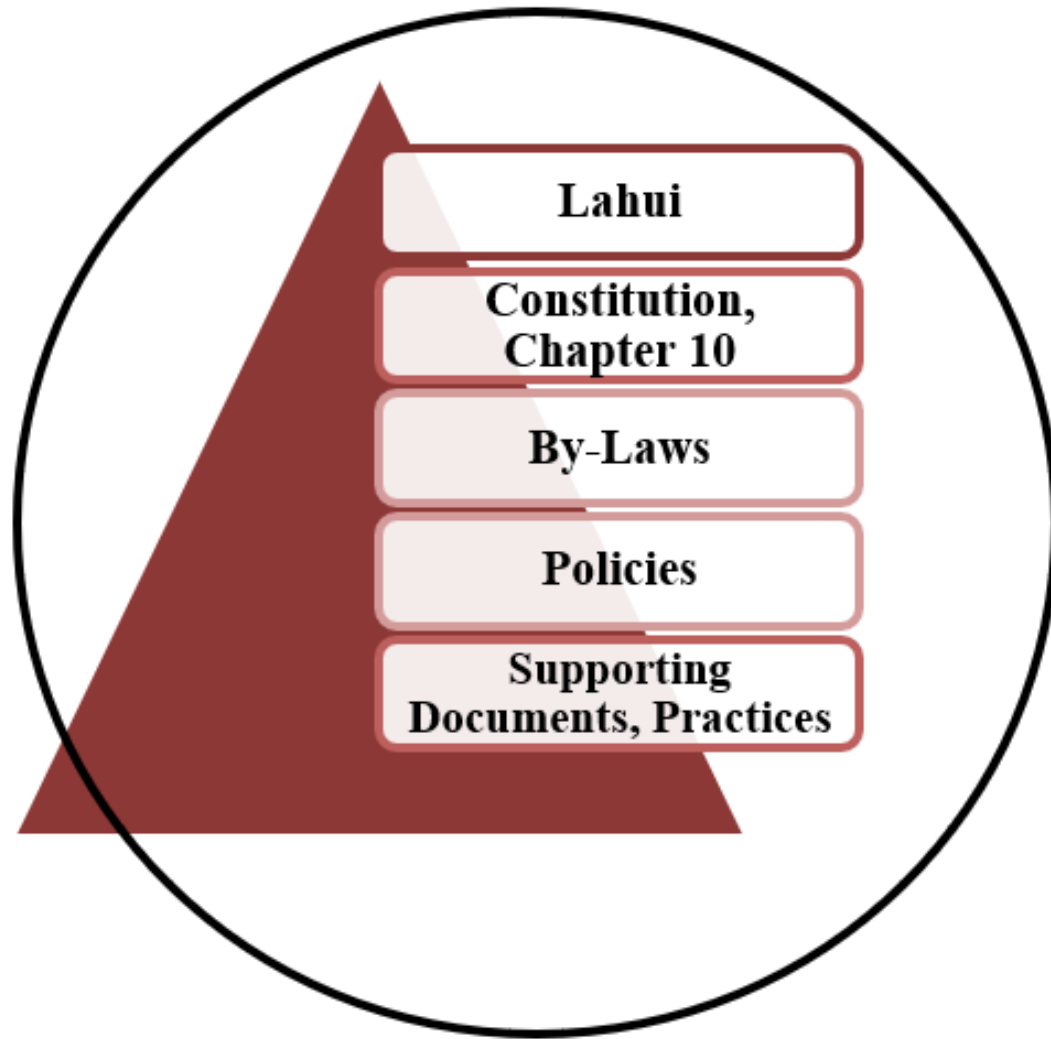
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He Ninau Kau



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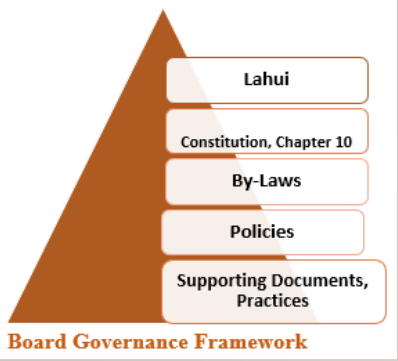
# Reference Section from Prior Policy Workshops



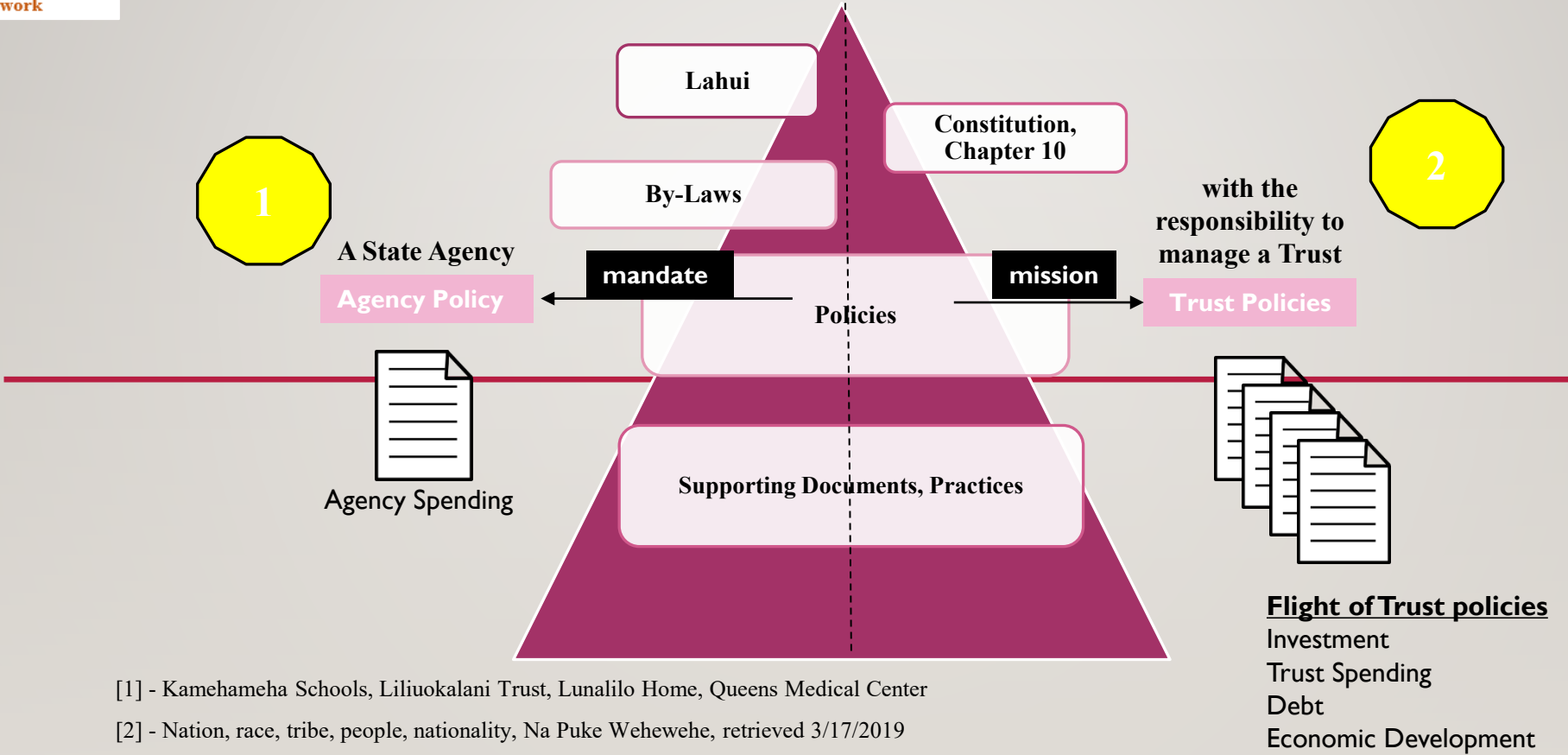
The PIG recommended five elements of OHA's Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

**Element 1: Identity.** Ho'oulu Lahui Aloha – To Raise a Beloved Lahui. A State Agency with the responsibility to manage a Trust, that identifies and operates more similarly to Ali'i Trusts<sup>5</sup> with a lahui<sup>6</sup> mindset in improving the well-being of our lahui. Such an identity is rooted in the 'ōlelo no'eau, E 'ōpū ali'i, have the heart of a chief, have the kindness, generosity, and even temper of a chief, 'ōlelo no'eau 369<sup>7</sup>. OHA's

identity is also place based, that OHA's kuleana is to this place of Hawaii.



**Element 1: Identity.** Ho`oulu Lahui Aloha – To Raise a Beloved Lahui. A State Agency with the responsibility to manage a Trust, that identifies and operates more similarly to Ali`i Trusts [1] with a lahui mindset in improving the well-being of our lahui [2]. Such an identity is rooted in the ‘ōlelo no‘eau, *E ‘ōpū ali`i*, have the heart of a chief, have the kindness, generosity, and even temper of a chief, ‘ōlelo no‘eau 369 [3]. OHA’s identity is also place based, that OHA’s *kuleana* is to this place of Hawaii.



[1] - Kamehameha Schools, Liliuokalani Trust, Lunalilo Home, Queens Medical Center

[2] - Nation, race, tribe, people, nationality, Na Puke Wehewehe, retrieved 3/17/2019

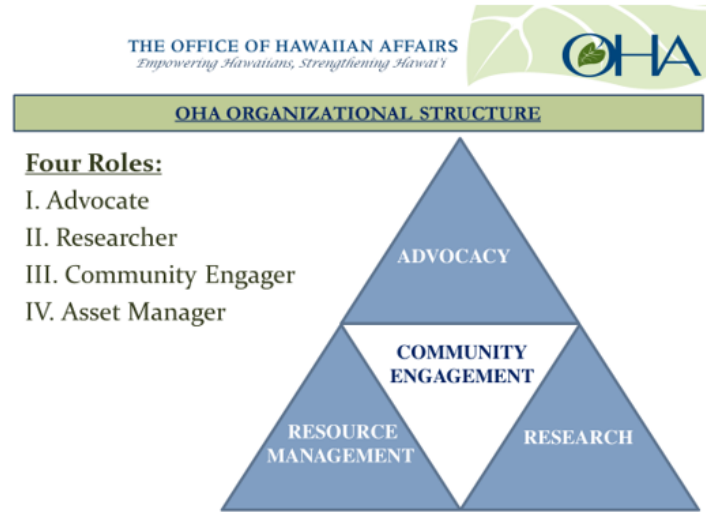
[3] Pukui, ‘Olelo No‘eau, Hawaiian Proverbs & Poetical Sayings, p. 45

OHA's identity manifests itself in four roles: advocate, researcher, community engager and asset manager.

## Element 2: Values and Mana

The PIG recommends that the Board Governance Framework acknowledge the surrounding intangible, yet invaluable role of values and mana in governance.

Effecting the operating values of kūlia, kākou, pono, ho'omau and aloha, begins with Trustees and Board work as exemplars for Administration and the Organization as a whole. *O ke kahua mamua, mahope ke kūkulu*, the site first, and then the building, learn all you can, then practice, ‘ōlelo no‘eau 2459<sup>8</sup>.



THE OFFICE OF HAWAIIAN AFFAIRS  
Empowering Hawaiians, Strengthening Hawai'i



### OHA CORE VALUES



*‘O ke kahua ma mua, ma hope ke Kūkulu.*

**E ho‘oikaika ana i nā Kānaka i mana ka lāhui.**

In addition, the concept of mana<sup>9</sup>, often oversimplified as “power”, belies the complexity of the concept and its acquisition, development and maintenance toward OHA enabling capital.

**Mana as Capital.** The acquisition, development and maintenance of mana toward strengthening OHA's influence capital, cultural capital and financial capital.

THE OFFICE OF HAWAIIAN AFFAIRS  
Empowering Hawaiians, Strengthening Hawai'i



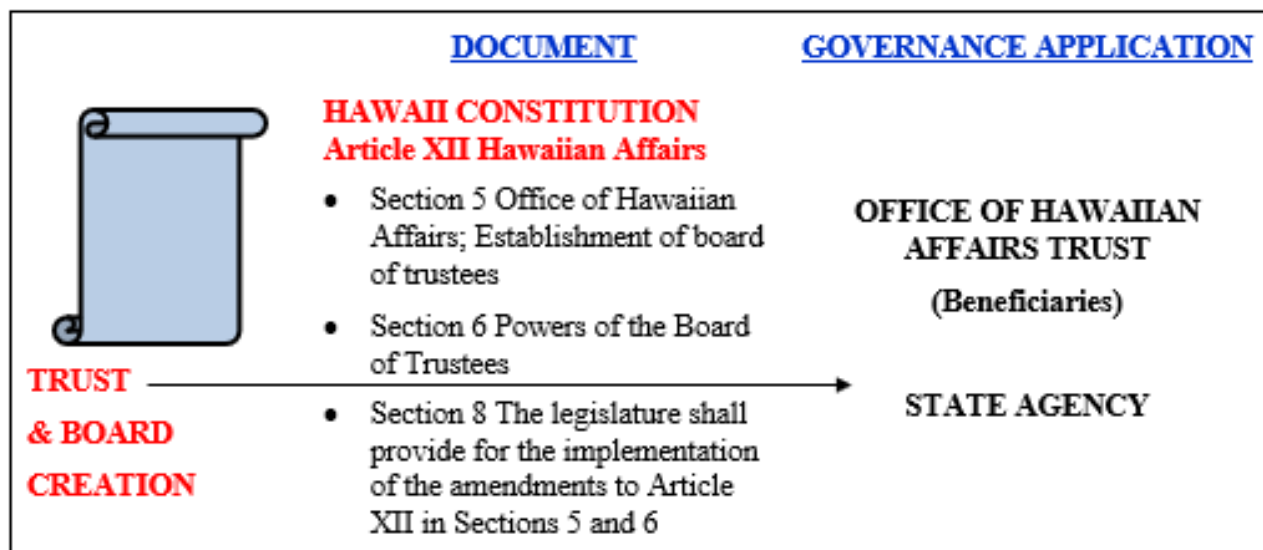
Mana – OHA will:



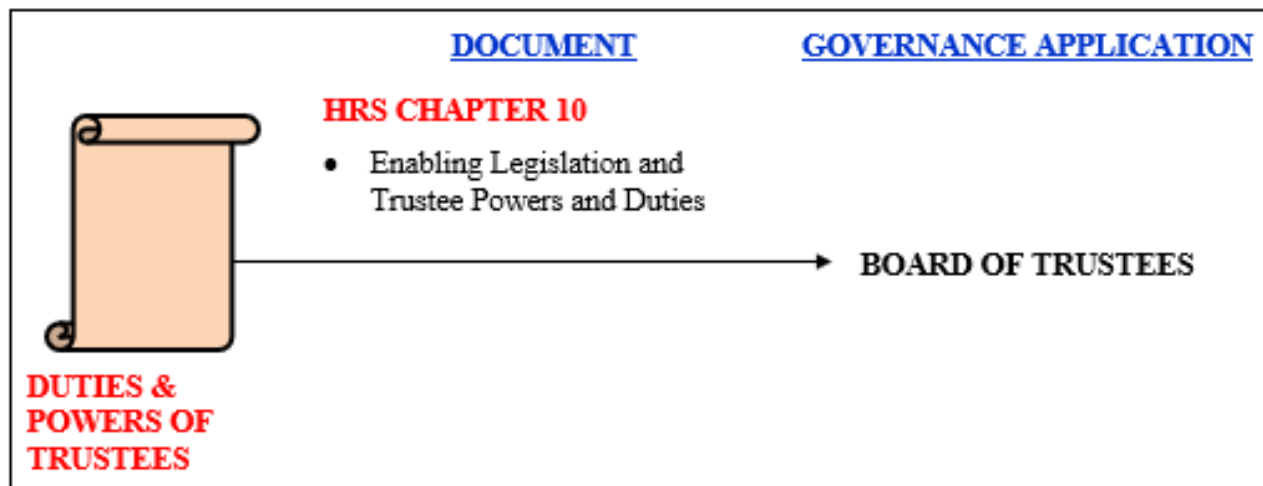
- Build upon the wisdom of our ancestors;
- Build upon the patriots who came before us; and
- Acquire and grow its mana as it strives to serve for the betterment of Hawaiians.



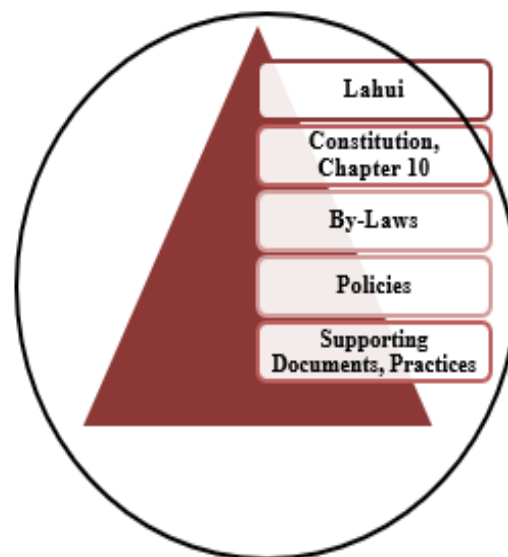
**Element 3: Statutory Basis** OHA was established under the Hawai'i Constitution, article XII, section 5, with powers described in article XII, section 6. Hawai'i Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people.



The State of Hawaii's Constitution, Article XII Hawaiian Affairs creates the Office of Hawaiian Affairs, establishes a board of trustees, articulates the powers of the board of trustees and empowers the legislature to implement amendments to sections 5 and 6.



Hawaii Revised Statutes (HRS) Chapter 10 enables legislation and trustee powers and duties.



**Element 4: Policies<sup>10</sup>.** The PIG recommends that OHA policies be organized into three tiers: L-Lahui<sup>11</sup>, T-Trustee and C-CEO level policies. L-Lahui level policies would articulate the Hawaiian cultural foundation of the organization as a basis for the *kāunaha* (heavy weight, sadness) or significant *kūleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding 'āina, water, wahi pana and iwi kupuna, strengthen 'ohana and kāiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts. T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA's Trustee role as a result of the

Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of ethics). C-CEO level policies guide and direct operations such as compensation, recruitment, procurement, contracting, data retention, asset protection, risk management, etc.

**Element 5: Supporting Documents and Practices (Operations).** Element 5 supports policy development, alignment, implementation, maintenance and monitoring, etc. by developed and "operationalized" documents (e.g., BOT Executive Policy Manual, BOT Operations Manual standard operating procedures, guidelines, operating manuals) and consistent practices.



#### IV. Funding Source:

Not applicable, no dedicated funding needed to approve the five elements of the Board Governance Framework.

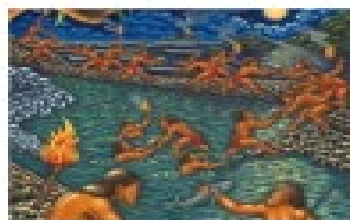
## OHA CORE VALUES

### KŪLIA



*Innovation  
Excellence*

### KĀKOU



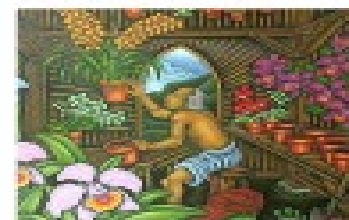
*Collaboration  
Cooperation  
Unity*

### PONO



*Integrity  
Truth*

### HO'OMAU



*Legacy*

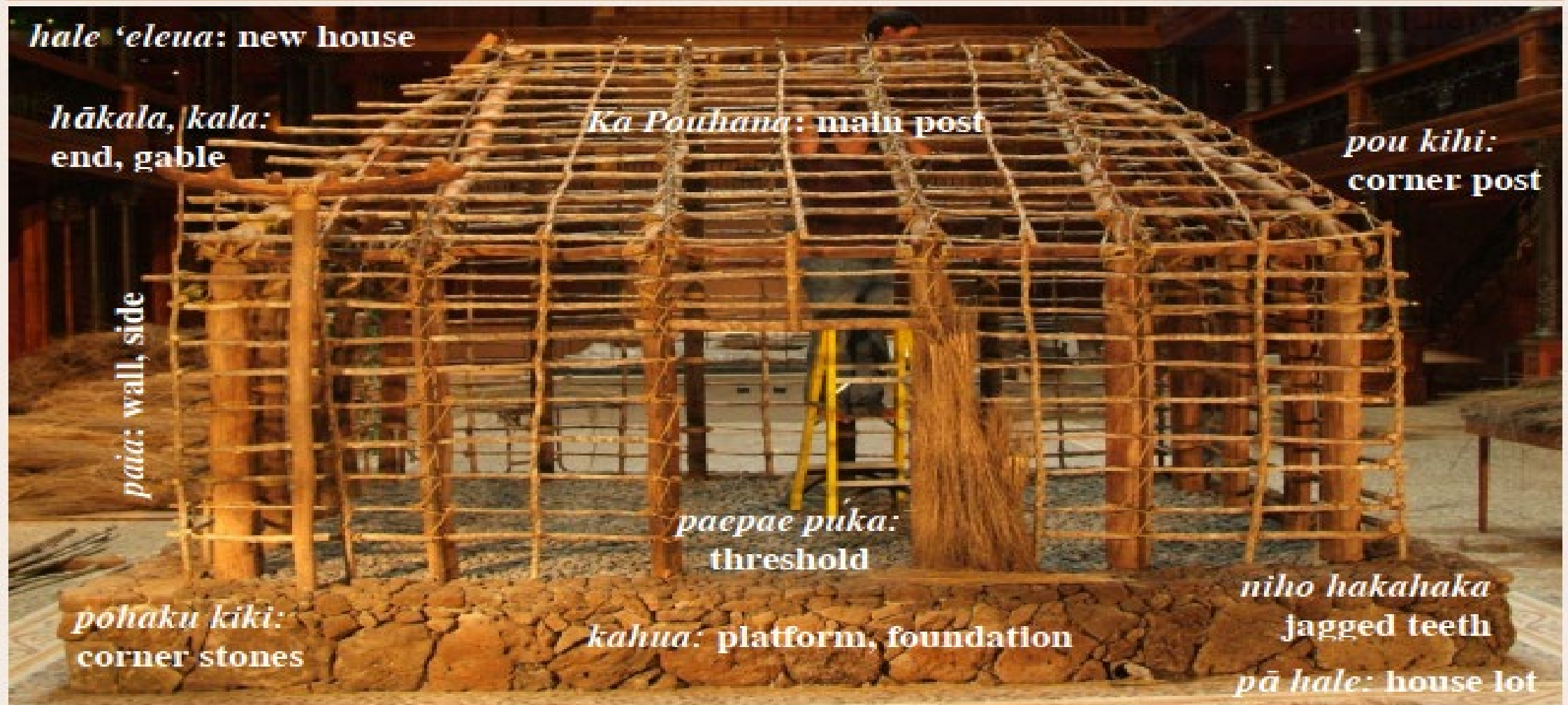
### ALOHA



*Respect  
Value*

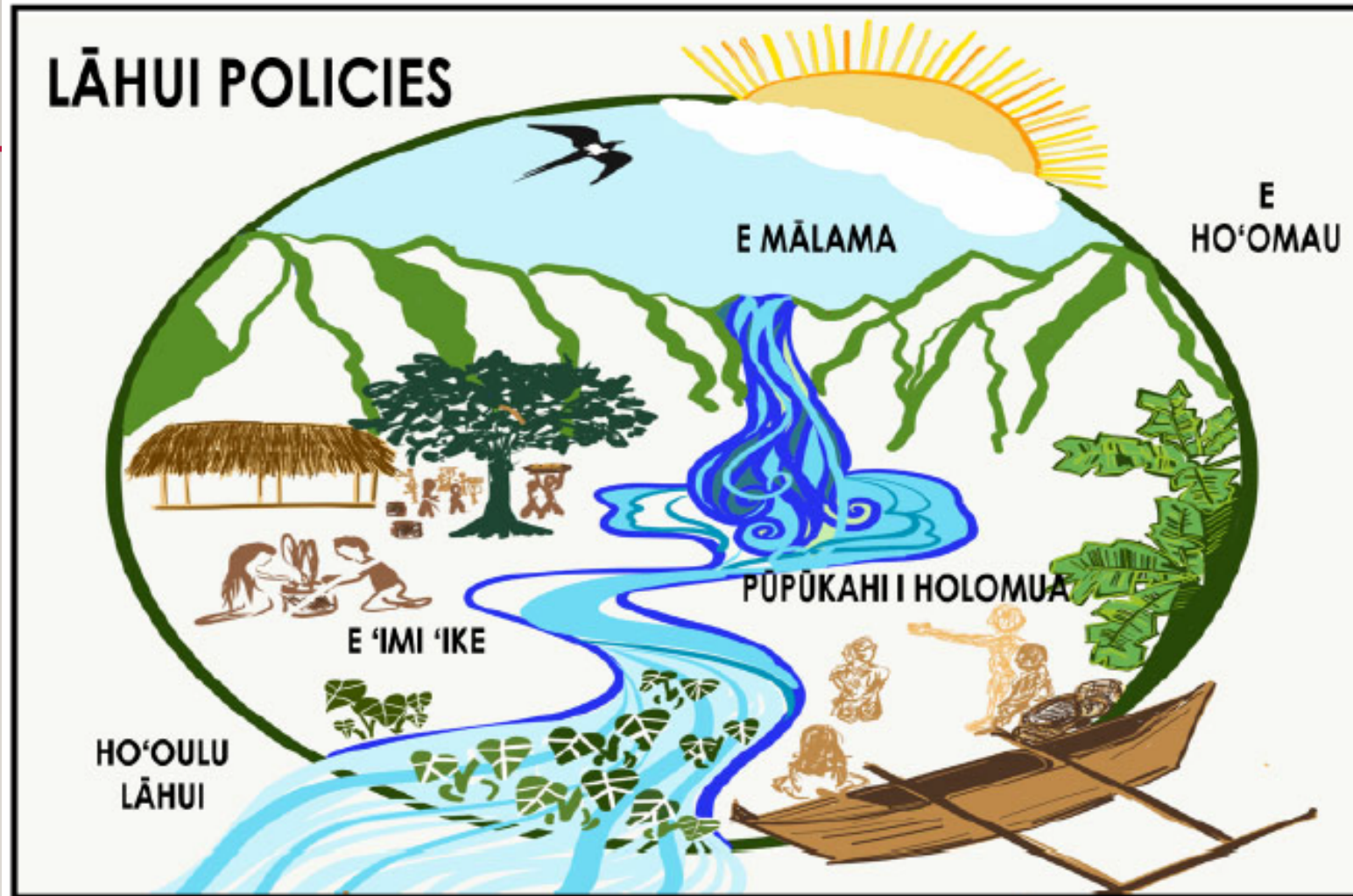
**‘O ke kahua ma mua, ma hope ke Kūkulu.  
E ho‘oikaika ana i nā Kānaka i mana ka lāhui.**

# OHA HALE MODEL



*Ke kahua mamua, mahope ke kūkulu. The foundation first, the building afterwards. (Pukui, 1983, #2459).*





**(1) E Malama**  
(to protect)

**(2) E Ho'omau**  
(to perpetuate);

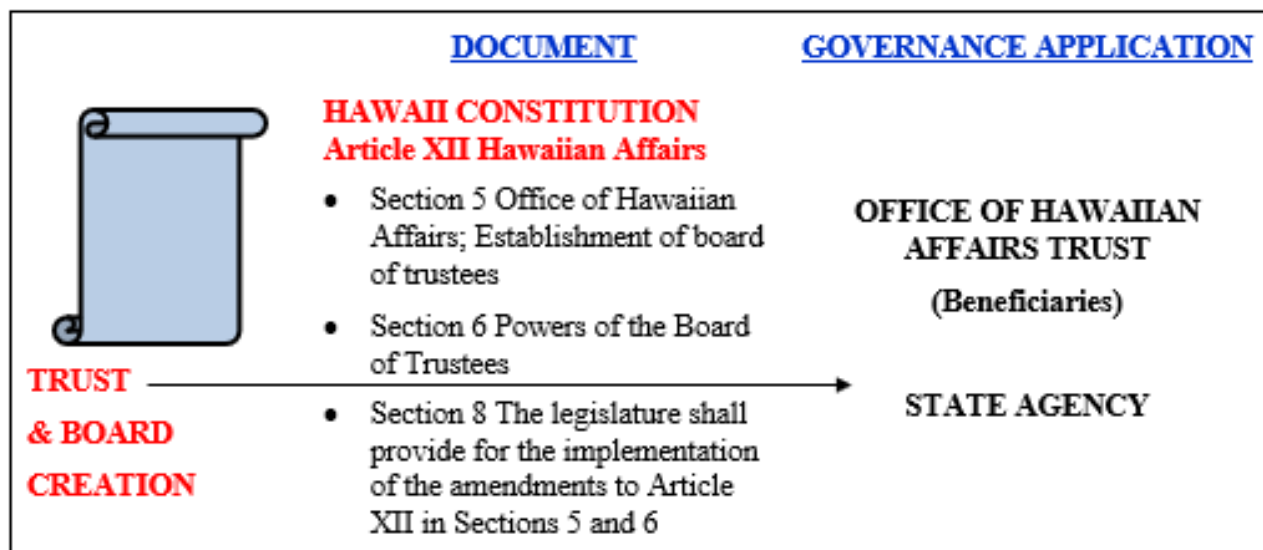
**(3) E Pupukahi i Holomua**  
(to unite in order  
to progress);

**(4) E 'Imi 'ike**  
(to seek  
knowledge);

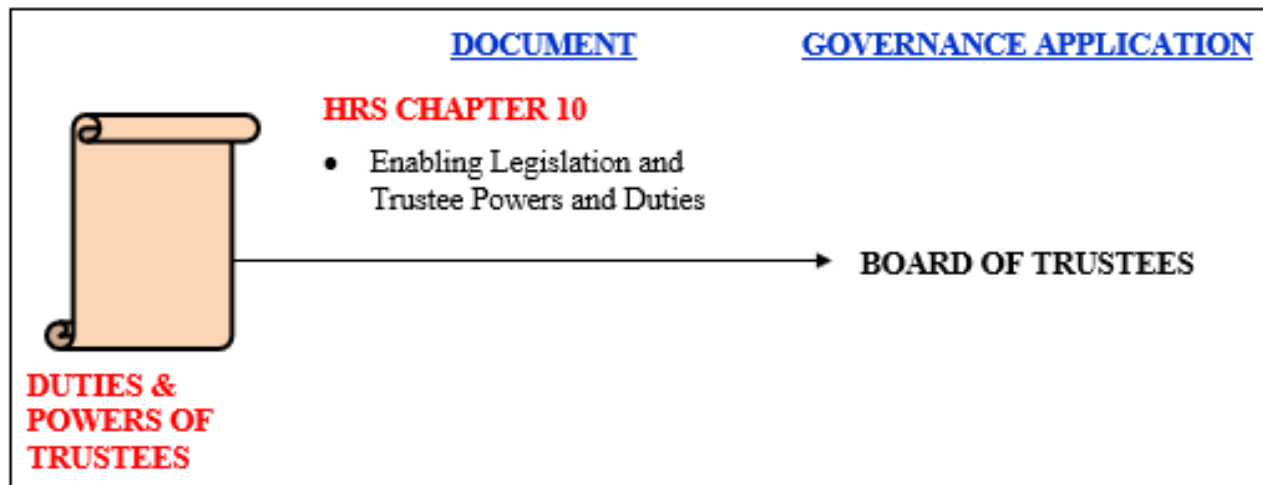
**(5) E Ho'oulu Lahui** (to grow  
the Lahui).



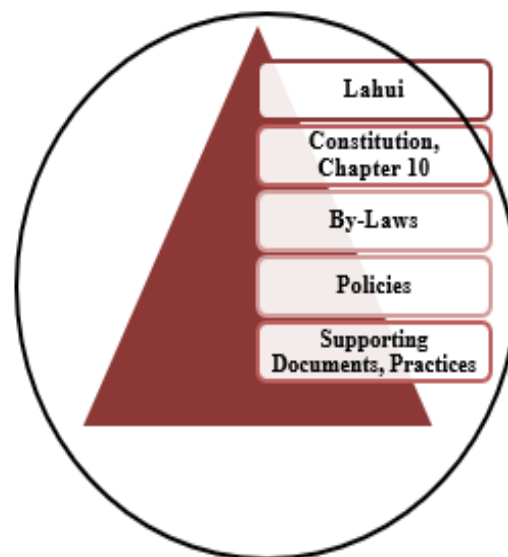
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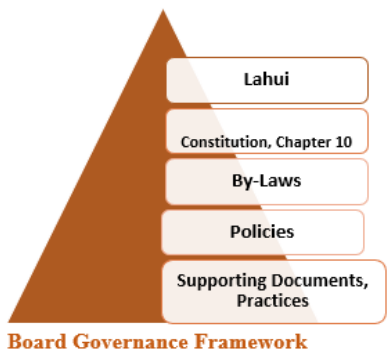
Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of ethics). C-CEO level policies guide and direct operations such as compensation, recruitment, procurement, contracting, data retention, asset protection, risk management, etc.

**Element 5: Supporting Documents and Practices (Operations).** Element 5 supports policy development, alignment, implementation, maintenance and monitoring, etc. by developed and "operationalized" documents (e.g., BOT Executive Policy Manual, BOT Operations Manual standard operating procedures, guidelines, operating manuals) and consistent practices.



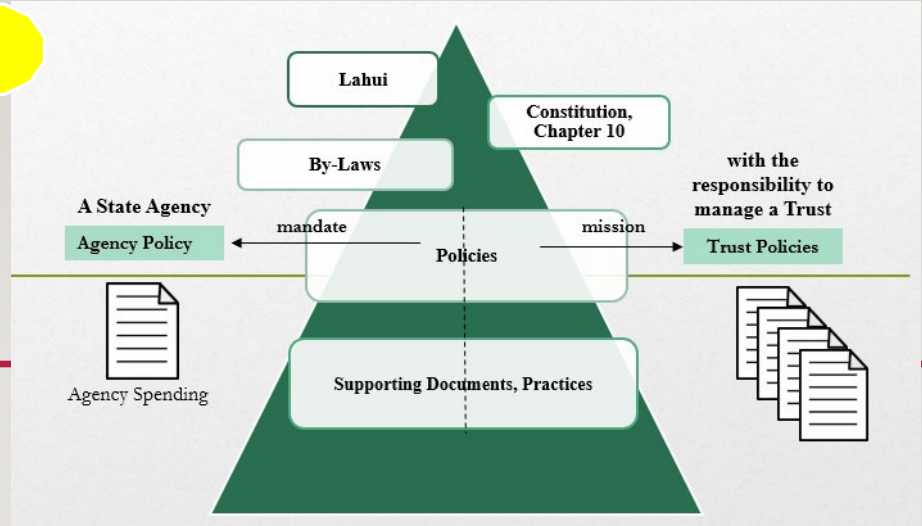
#### IV. Funding Source:

Not applicable, no dedicated funding needed to approve the five elements of the Board Governance Framework.

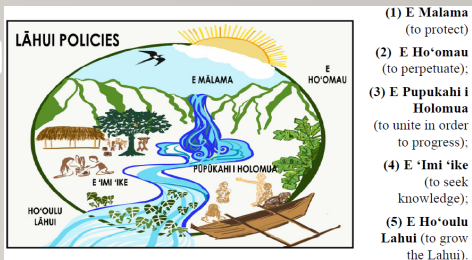


AS IS

2



1



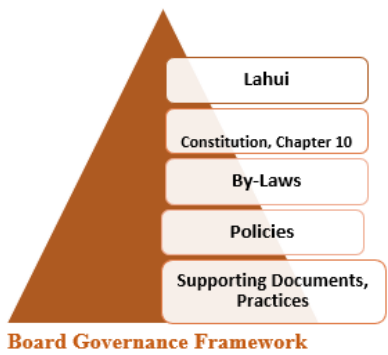
## Executive Policy Manual

BOT Operations Policy



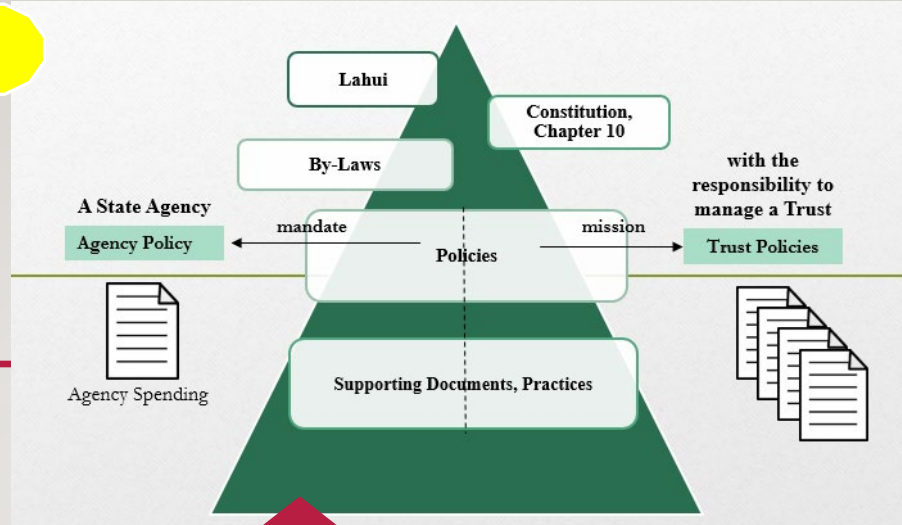
Series 1000 Board of Trustees

Series 2000 Beneficiary Support and Services

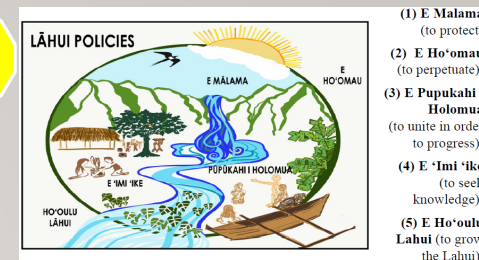


AS IS

2

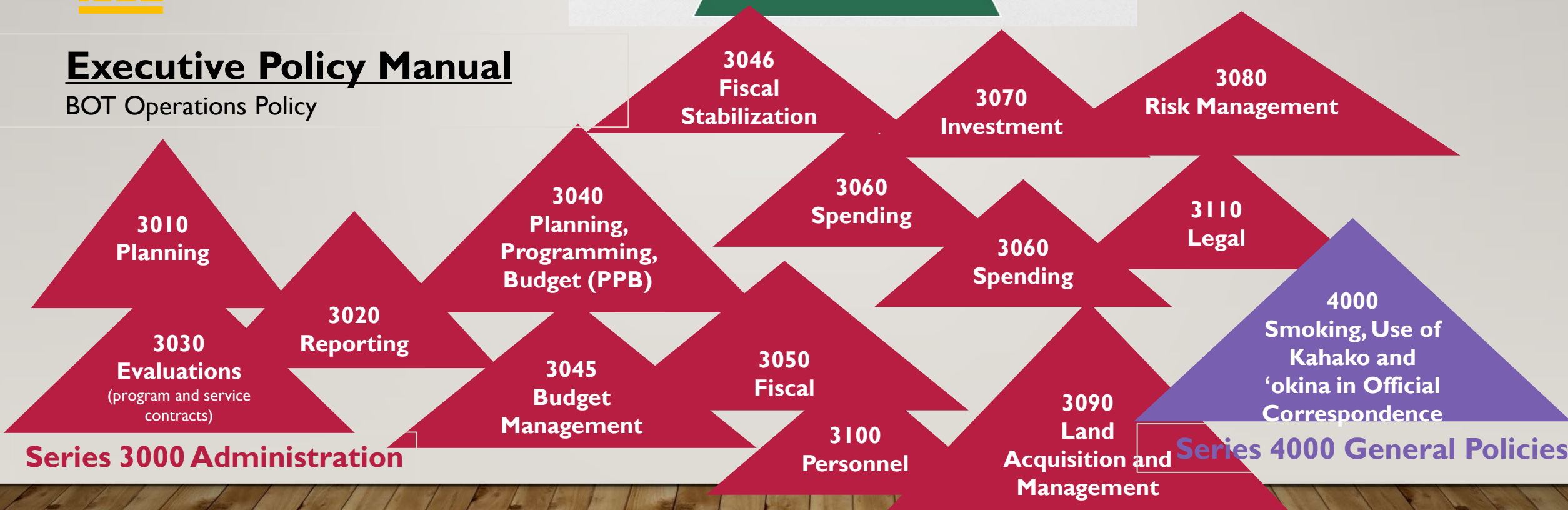


1

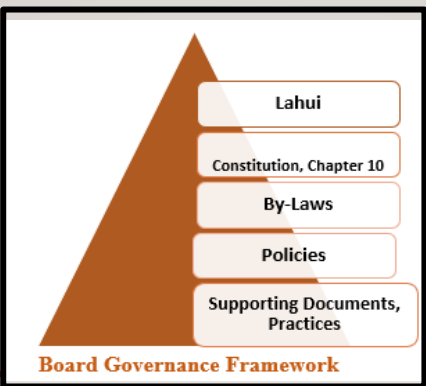
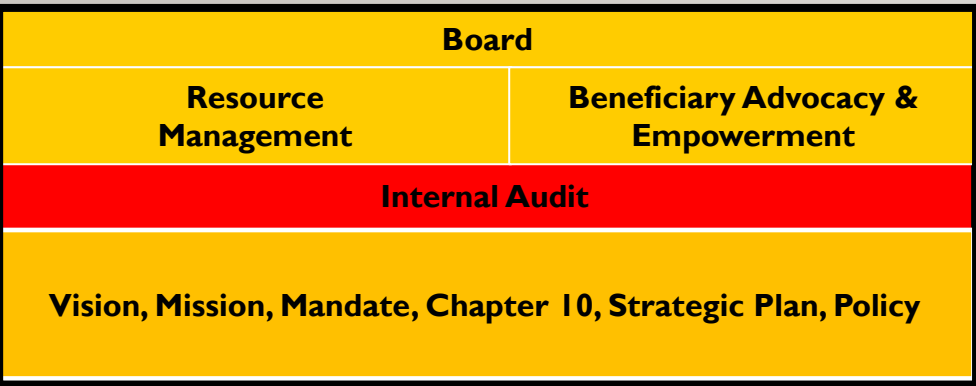


## Executive Policy Manual

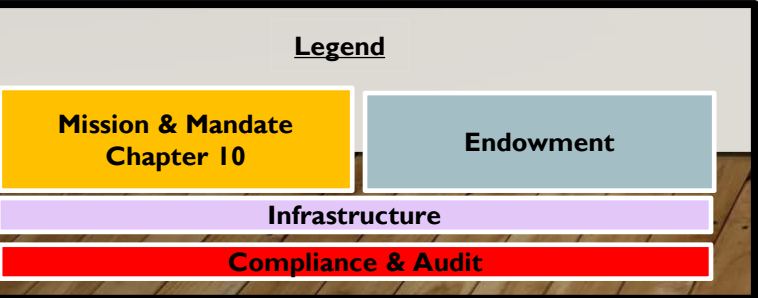
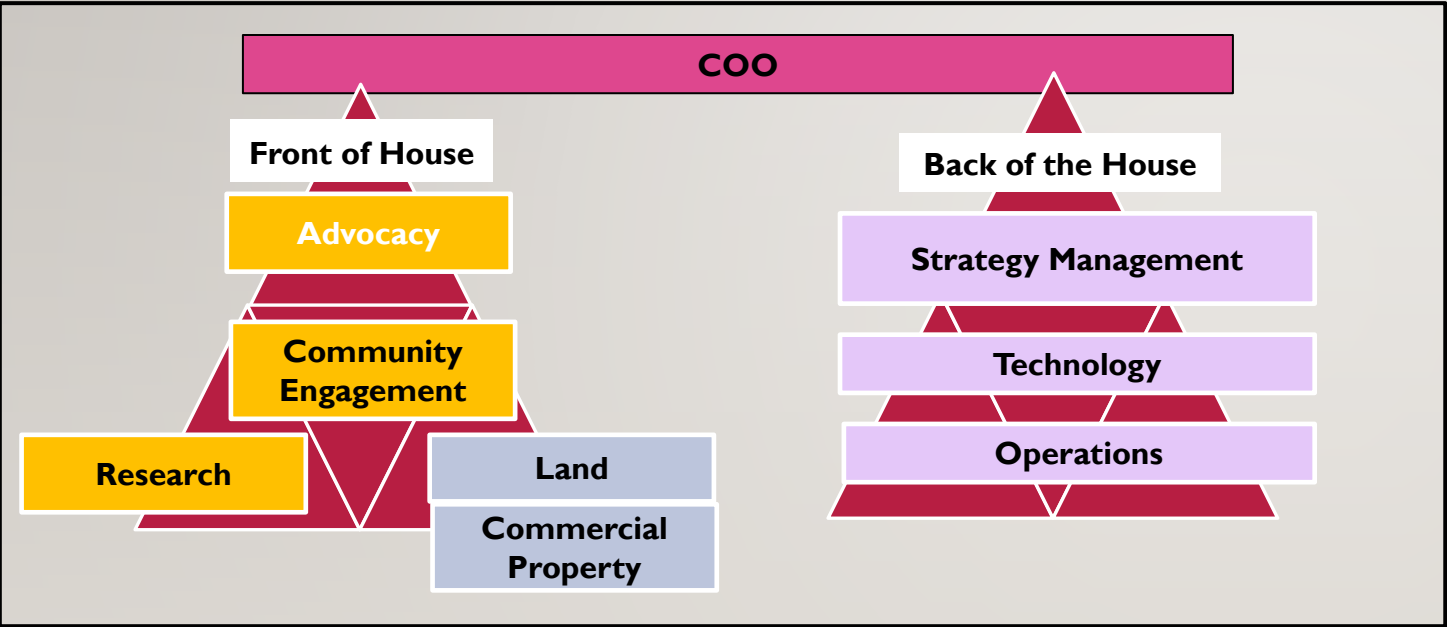
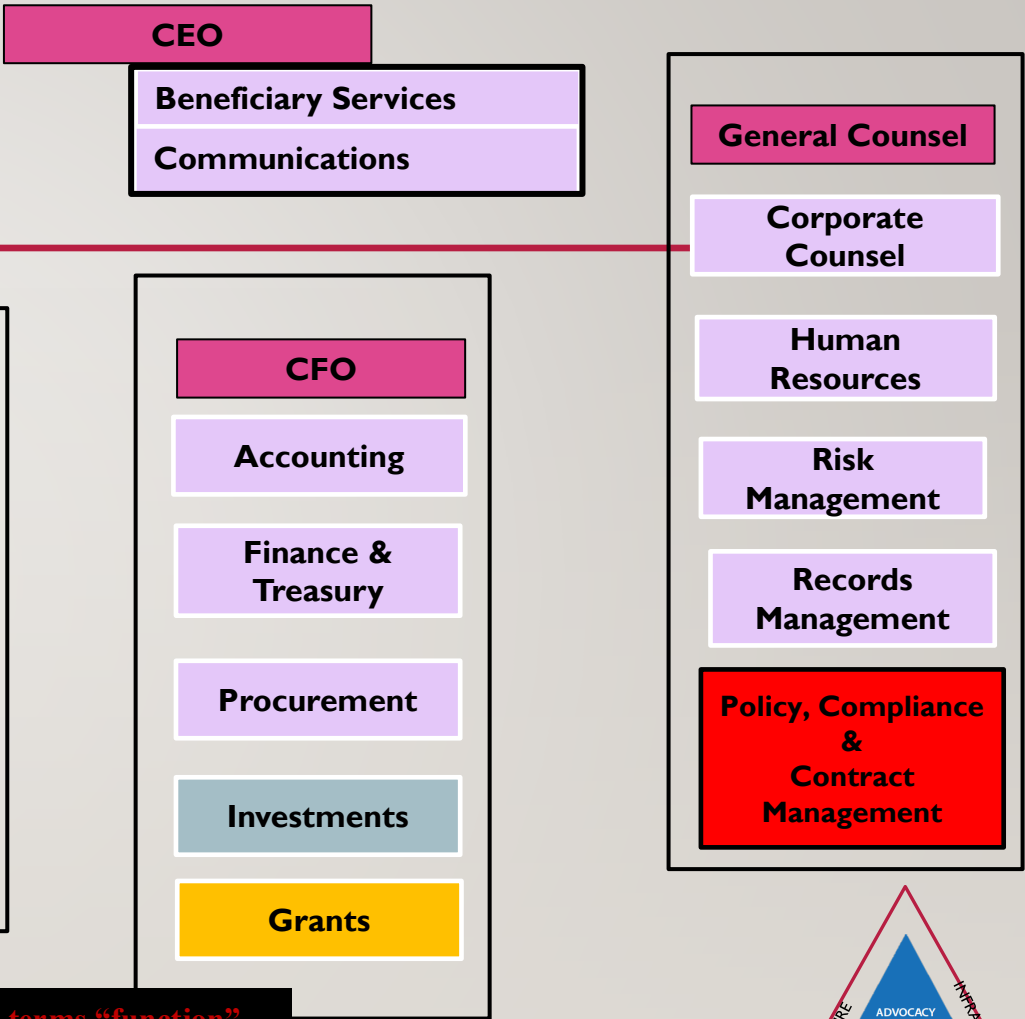
BOT Operations Policy



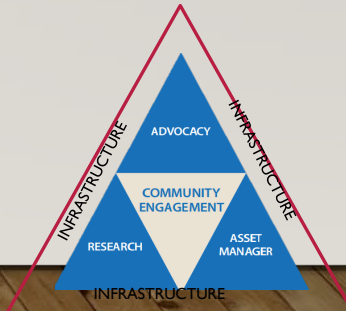


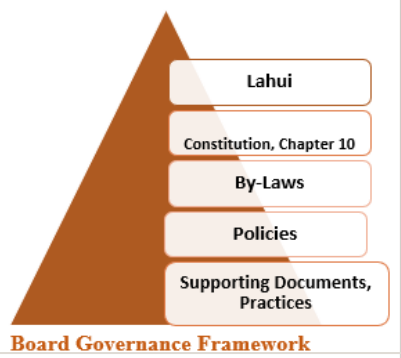


**Functional Org Chart**

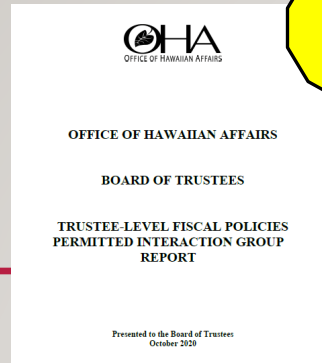


For reorganization purposes the terms “function” and “functional” are used both in its noun and verb definitions to describe purposes, operations, parts that contribute to the whole; <https://www.merriam-webster.com/dictionary/function?src=search-dictionary>, retrieved 3/4/2021.



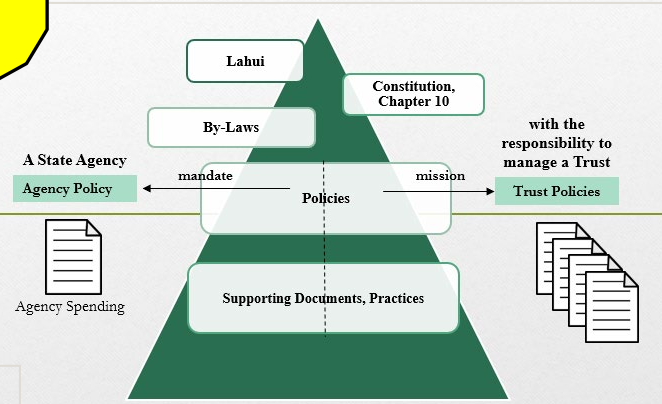


## Policy Framework



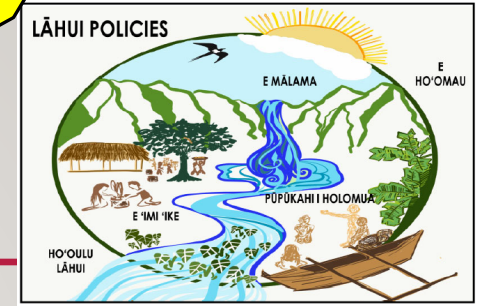
2

## T-Trustee Level Policies



1

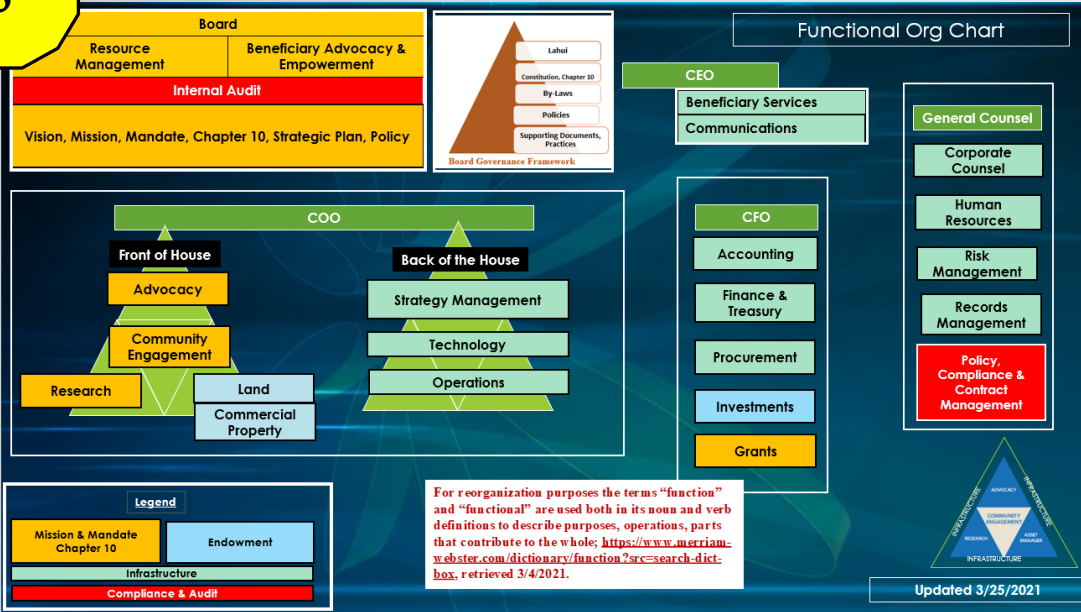
## L-Lahui Level Policies



- (1) E Mālama (to protect)
- (2) E Ho'omau (to perpetuate);
- (3) E Pupukahi i Holomua (to unite in order to progress);
- (4) E 'Imi 'ike (to seek knowledge);
- (5) E Ho'oulu Lahui (to grow the Lahui).



## C-CEO Level Policies



3a



3b



5



4



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He Ninau Kau